IN THE HIGH COURT OF JUDICATURE AT BOMBAY

A.S.

Writ Petition No.8079 of 2005

M/s Karnik & Associates Bombay ....Petitioner

vs

M/s Nirmal Milk Products Pune....Respondent

Mr S.A.Sawant for petitioner

Mr.S.S.Pandit for respondent

CORAM: S.U.KAMDAR J.

Dated 30.ll.2005

P.C:

l. By consent of the parties the following order is passed:

a) The petitioner to deposit the entire decretal amount with the trial court within a period of 4 weeks from today to the credit of the execution proceedings in respect of the decree which is under challenge before the appeal court. On such deposit being made respondent-plaintiff will be entitled to withdraw the entire amount against furnishing bank guarantee of any nationalised bank and with further undertaking that he will return the money back if the decree is set aside with interest at the rate of 9% p.a.

b) Petitioner will pay the cost of the proceedings quantified at Rs.l5,000/-. Cost to be paid within a period of two weeks from today.

c) On such condition being complied with the impugned order dated 29.l0.2005 passed on Exh 29 Misc Application No.506 of 2005 by the 7th Addl Adhoc District Pune is quashed and set aside.

d) Delay in filing the appeal is condoned and the appeal court is directed to hear the main appeal against the decree on merits and decide and dispose of the same on or before 28.2.2006.

e) In the event of any default in complying with either of the conditions by the petitioners ,petition to stand dismissed and the impugned order dated 29.l0.2005 to stand confirmed.

. Petition is disposed of accordingly with no order as to costs.